

**Minutes of Meeting
Grafton Planning Board
January 13, 2014**

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A regular meeting of the Grafton Planning Board was held on January 13, 2014 in the Finance Committee Meeting Room at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman David Robbins, Vice-Chair Michael Scully, Clerk Edward Prisby, Robert Hassinger, Sargon Hanna and Associate Member Mathew Often. Staff present was Town Planner Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Robbins wished all Happy New Year and called the meeting to order at 7:00 p.m.

ACTION ITEMS

There were no action items on the agenda.

DISCUSSION ITEM 2-A ZBL CHANGES FOR 2014 TOWN MEETINGS

Chairman Robbins stated this would be a continued discussion from the last meeting 5 weeks ago concerning temporary and portable signs.

Robert Berger, Town of Grafton Building Inspector and Zoning Enforcement Officer, was present to speak for the Board of Selectmen. Mr. Berger noted that he had been before the Planning Board back in June, 2013 requesting the Board review several by-laws including the temporary for profit signs. Mr. Berger remarked that there were persons coming in to his office on a weekly basis regarding these type of signs, and adding that the by-law needs to be changed in order to identify what to allow and a timeline for allowance. Chairman Robbins noted that a few years back the Board had worked on draft language regarding temporary signs but was not comfortable with the language, forcing them to put their efforts aside temporarily. Mr. Hassinger expressed concerns that no one was bringing this issue to the Planning Board as a problem, so he was not sure exactly what the Board of Selectmen were requesting. Mr. Hassinger added that he was not an advocate for more signs if there was no need and no one was asking for this change. Mr. Berger stated that he will sponsor this request as a resident of Grafton rather than a Town employee if that is what the Planning Board requires. Mr. Scully asked what the time range would be for these changes, since the Board currently is using the definition and use for what is being reviewed. Mr. Berger noted that if he has to rule on one infraction then all will need to be looked at, and suggested the Board hold a workshop inviting the business community. Mr. Hassinger stated he preferred holding an open advertised public meeting for interested parties. Chairman Robbins suggested the Board could either set aside one hour at regular scheduled Planning Board meetings or schedule a separate meeting. Mr. Scully noted that as an EDC member they have found that weeknights are not the most suitable times for the business community and suggested a separate meeting on a Saturday morning to make it easier to attend. Mr. Hassinger proposed a special meeting for Monday, February 3 at 7:00 p.m. and to solicit people to attend or send in their input and/or for a better time or schedule and go from there. Mr. Berger stated he is not able to deal with the issue now until it is determined what signs are a problem or illegal. Mr. Prisby remarked the Board needs to get the businesses into a

meeting in order to deal with the issue and to find out what the Town wants with regard to these signs. Mr. Scully suggested the Board receive input during the first half hour of the Planning Board meetings, then schedule a workshop from that point if needed.

MOTION by Mr. Hanna, **SECOND** by Mr. Prisby, to advertise a scheduled public meeting for February 3, 2014 soliciting input regarding temporary or portable signs. **MOTION** carried unanimously 5 to 0.

BILLS

The bills were circulated and signed.

PUBLIC HEARINGS

Chairman Robbins informed those present that Casa Builders & Developers Corp., applicants for MRSP 2013-9 “Gristmill Village” Subdivision, has requested they be placed last for the public hearings due to a conflict with another meeting.

MAJOR RESIDENTIAL SPECIAL PERMIT (MRSP 2013-2) “GRAFTON HILL” SUBDIVISION – WESTERLY SIDE GRAFTON LLC (APPLICANT) – WESTERLY SIDE GRAFTON LLC, ROCKY ROAD REALTY TRUST, ROBERT B. MCINNIS & ABBY MCINNIS TRUST (OWNERS) 12 CLEARVIEW STREET, 48 & 52 WORCESTER STREET

Chairman Robbins also informed those present that they had received a request from Westerly Side Grafton LLC, applicant for MRSP 2013-2 “Grafton Hill” Subdivision, to continue their public hearing until January 27, 2014 due to illness.

MOTION by Mr. Scully, **SECOND** by Mr. Hanna, to grant the applicant’s written request to continue the public hearing for MRSP 2013-2 “Grafton Hill” Subdivision until Monday, January 27, 2014. **MOTION** carried unanimously 5 to 0.

DISCUSSION: The Board discussed the unusual length of time the public hearing has been extended and the notification to the applicant of the Boards intention to close the public hearing.

AMENDMENT to the **MOTION** by Mr. Hanna, **SECOND** by Mr. Prisby, to include authorizing Staff to communicate to the applicant that the Planning Board is planning to close their public hearing at the next meeting. **MOTION** carried unanimously 5 to 0.

SPECIAL PERMIT (SP 2013-7) GCCF NEW ENGLAND, LLC C/O CUMBERLAND FARMS, (APPLICANT) – ROJAS REALTY TRUST, (OWNER) – CONVENIENCE STORE / GASOLINE STATION – 217 WORCESTER STREET

Chairman Robbins opened the public hearing. Present for the meeting were Attorney Philip Lombardo representing GCCF New England, LLC, Luke DiStefano of Bohler Engineering, and Erin Pacileo of McMahon Associates.

Attorney Lombardo stated they had been tasked to accomplish a few items for this meeting. Attorney Lombardo informed the Board they had responded to the memorandum submitted by Mr. Chitow and submitted a revised free-standing sign with a brief narrative requesting a 4.3 foot waiver to allow for the construction of a 14.3 foot high pylon sign where a 10 foot high maximum is allowed. Attorney Lombardo noted the sign is 8 feet in width and 40 square feet in area, significantly less than the previously submitted 16 foot high and 60 square feet in area; and is fully compliant with the local sign code in every other way.

Mr. Hassinger stated that the by-law is unclear about how to interpret the set-back allowances for the height of the sign, but seems to be that for every foot set back the sign can go up 2 feet. Mr. Hassinger noted the Board could grant relief based on policy interpretation.

Mr. Bishop remarked that he had discussion with the Building Inspector on this matter today and he is interested in looking into this issue in more detail.

Chairman Robbins stated that the Board has received all of the information requested for the purpose of considering a decision and that the applicant has met all the requirements for the sign permit application.

MOTION by Mr. Hanna to close the public hearing. The motion was not recognized by Chairman Robbins.

Chairman Robbins opened the discussion to the public for their comments.

Stephen Chitow of 225 Worcester Street acknowledged that he had received a copy of his comment acknowledgement from the applicant; asked about the delivery trucks not having enough space for deliveries if the employees do not move their cars; and that the applicant keeps the abutter apprised of any changes to the plan submitted.

Mr. Scully noted the delivery space needed for the trucks was 50' by 15' and asked if there was sufficient space.

Attorney Lombardo stated there was sufficient space, noting they only have one or two a week and the truck just unloads and leaves, with a small van supplementing deliveries the remainder of the week.

Brian Sullivan of 17 Williams Road asked the Board if the applicant will be able to change the hours of operation at will and how the Board will regulate the hours of operation once they have their permit. Mr. Hassinger stated that the Board will make that determination in the conditions of the permit and that the applicant will be required to come back before the Board if they wish to change their hours of operation.

Karen Brosnihan of 1 Amherst Street thanked the Board for allowing the abutters to represent themselves during the public hearing; informed the Board that the value of her home had

declined due to this project; and wished to know if Cumberland Farms had anything to say about this situation.

Attorney Lombardo stated there was no response.

Malcolm Reid of 6 Hawthorne Street asked if the gas station would be selling diesel fuel, as it typically brings in larger, noisier vehicles.

Attorney Lombardo stated they would be selling diesel fuel, but they will be low speed/low volume pumps which are typically used for cars rather than trucks due to the slow fueling capacity.

Mr. Scully remarked that he had a few questions with regard to feedback from the public. Mr. Scully asked if the pylon sign is equipped with a photocell to adjust the brightness. Mr. Scully was told it did have a photocell that alternated between daylight and night time. Mr. Scully noted another outstanding item was the amount of sound coming out from the pumps and if it is regulated differently at night time. Mr. Scully was told the decibel level at the pump is designed to hit the person standing there and that they are not currently configured for a night time level at this time.

MOTION by Mr. Hanna, **SECOND** by Mr. Hassinger, to close the public hearing and to direct Staff to draft a decision, taking into consideration all of the information received and the findings and conditions discussed.

DISCUSSION: Mr. Prisby wished to thank the abutters for their input and hoped that all in the room realize the Planning Board takes into consideration all the direct dialog, correspondence, and abutter concerns from all of the meetings. Mr. Prisby added that this is part of what we do as a Board; that we cannot tell applicants what to do with their land if it is an allowed use, and that he hoped people will take away a positive experience that the Board has tried to accommodate as many of the abutters concerns as possible.

Chairman Robbins thanked all present for their participation and patience and appreciation for Cumberland Farms in working with the neighborhood.

MOTION carried unanimously 5 to 0.

SPECIAL PERMIT (SP 2013-10) JOHN GOSSELIN, (APPLICANT/OWNER) – 156 MAIN STREET, SOUTH GRAFTON – ZBL SECTION 4.4.4 (SPECIAL CASES / SIGN RELIEF)

Chairman Robbins opened the public hearing. Present for the hearing was John Gosselin.

Mr. Gosselin submitted a revised sign plan and set-back location to the Board, stating he had made the necessary changes to the sign as requested, including increasing the set-back to 12 feet.

Mr. Scully noted that the revised sign was still exceeding the allowable area for the sign.

Chairman Robbins remarked that the applicant is replacing an existing sign of 27 years, and since he has reduced the degree of non-compliance for the setback & height, consideration for granting relief within the intent and purpose of the by-law.

Mr. Scully also noted he was concerned if the moving of the sign will take up any additional parking spaces and if the sign is externally lit. Mr. Gosselin stated that the sign will not affect any additional parking spaces and that the sign is lit with a spotlight on both sides facing the sign.

MOTION by Mr. Hanna, **SECOND** by Mr. Hassinger, to close the public hearing and to direct Staff to draft a decision, taking into consideration all of the information received and the findings and conditions discussed. **MOTION** carried unanimously 5 to 0.

SPECIAL PERMIT (SP 2013-11) FIRST WESTBOROUGH REALTY TRUST, MICHAEL & BRIAN MARINO, TRUSTEES (APPLICANTS/OWNERS) ZBL SECTION 4.4 (SIGNS) - SECTION 4.4.3.2(1) SECONDARY EXTERIOR SIGN – SECTION R.R.3.2(4) DIRECTIONAL OR INFORMATIONAL SIGNS – SECTION 4.4.4 (SPECIAL CASES / SIGN RELIEF) – D/B/A DUNKIN' DONUTS – 72 WORCESTER STREET

Mr. Prisby read the legal notice and Chairman Robbins opened the public hearing. Present for the hearing were applicant Brian Marino and his attorney Heather Trudell.

Attorney Trudell informed the Board that the basis of this special permit filing is to request minor relief for proposed signage for the main building and the annex building at the Dunkin' Donuts location at 72 Worcester Street. Attorney Trudell stated the applicant is proposing for the main building a 37.17 square foot sign in the front of the building which is allowed under the By-law and relief for a 17.36 square foot secondary sign on the east side of the main building for which only 6 square feet is allowed in the By-law. Attorney Trudell continued that the applicant additionally proposes to install a 17.36 square foot over the main entrance of the annex building which is allowed under the By-law, and relief for a 17.36 square foot secondary sign on the west side of the annex building for which 6 square feet is allowed. Attorney Trudell remarked that the proposed signs will not be a nuisance or a hazard to vehicles or pedestrians and the relief will not derogate from the intent and purpose of the By-law.

Mr. Prisby noted that the requested signage did not seem necessary to inform or attract customers to the Dunkin' Donuts restaurant or drive through and has not heard a convincing argument for granting the relief requested.

Mr. Hassinger expressed concerns that ignoring the Grafton Sign By-law for larger signs just because corporate says they need a certain size sign is not a convincing argument. Mr. Hassinger also pointed out that the relief signs requested for the annex building will be at such an angle that they will not even be visible to the traffic flow from either side of Worcester Street.

Mr. Hanna asked Attorney Trudell to review the plan as to where the signs were proposed to be placed on the main and annex buildings.

Mr. Scully stated that according to the language of the By-law, the establishment is considered one business entity, not two because of two buildings, so the requested signage is not allowed on the annex building. Mr. Scully also pointed out that the annex sign is larger than the main store sign.

Attorney Trudell reviewed the plan of the proposed signs requested, stating the larger signs provide greater clarity and safety to the patrons of the restaurant and do not derogate from the intent and purpose of the By-law.

Chairman Robbins announced that the Planning Board typically does not discuss the applicant's choice, placement or effectiveness of the signs chosen, but does suggest alternative proposals when requesting relief from the Planning Board.

Mr. Hanna commented that he did not see the necessity for the annex sign relief, but views it as luxury verses necessity.

Chairman Robbins noted it was pretty obvious the Dunkin' Donuts restaurant was located there and did not see the need for the additional requested signage relief.

Mr. Scully stated the annex building did not meet the requirements for secondary signs; and the By-law allows the east side of the main building to have a 6 square foot sign, not the bigger sign.

Attorney Trudell informed the Board that the pylon sign is not part of the application package, is in compliance and already permitted by the Building Inspector, and that the menu boards do not require any relief. Attorney Trudell continued on with the proposed directional and informational signs for internal traffic circulation, stating the applicant is seeking relief for signs that are 2.98 square feet, for which the by-law allows 2 square feet.

Mr. Prisby asked if the business folds up and leaves Town if the Planning Board does not approve requested relief for corporate size signs.

Chairman Robbins informed Attorney Trudell the Board would need more information about the existing directional signs, specifically the dimensions of the old signs and pictures of the new signs proposed.

Mr. Scully stated graphic signs must also meet the requirements of the sign definitions and suggested this issue be added to the workshop discussion items.

Attorney Trudell noted that the Building Inspector had stated that awnings and graphic signs did not fall under the sign by-law.

Attorney Trudell requested she would like to continue the public hearing in order to respond to the issues raised by the Board and to submit additional information regarding the hardship/relief for the signage on the annex building.

Mr. Prisby added that he would consider the annex building signage if it was shown that parking exists at the annex building.

Mr. Scully stated he would consider eligibility for two 6 square foot secondary signs.

MOTION by Mr. Scully, **SECOND** by Mr. Prisby, to grant the applicant's written request to continue the public hearing to Monday, January 27, 2014. **MOTION** carried unanimously 5 to 0.

SPECIAL PERMIT (MRSP 2013-9) CASA BUILDERS & DEVELOPERS CORP. (APPLICANT) – MAINTANIS REALTY TRUST (MAP 97, LOT 22A) AND WILLIAM J & MARY J MAINTANIS & STEPHEN A. WILSON (MAP 98, LOT 2), (OWNERS) – “GRISTMILL VILLAGE” SUBDIVISION – 4 GRISTMILL ROAD & 102 PLEASANT STREET

Chairman Robbins opened the public hearing. Present for the hearing were Applicant Julie Venincasa and Engineer John Grenier.

Mr. Grenier recapped the highlights of the discussions of the last meeting and reviewed the Traffic study counts and peak hours information.

Lee Kaufman of 96 Pleasant Street asked what percent of an increase would be put on Pleasant Street itself.

Mr. Hassinger remarked that there have been many questions raised on the traffic through Gristmill Road.

Mr. Grenier reviewed the highlights of the traffic counts for these areas along with the site distances for all of the streets and intersections involved.

Mr. Bishop noted that he and Jeffrey Walsh of Graves Engineering had recently visited the site and noted that regardless of a subdivision being built in the area, the sight distances are not acceptable.

Mr. Grenier stated that they are looking to address those problems proactively.

Mr. Hanna asked how long the roadway Greystone Drive was. Mr. Grenier stated about 550 linear feet in the Flex development and about 2,000 linear feet in the Conventional development.

Mr. Hassinger suggested Mr. Grenier engineer a potential alternative access cul-de-sac from Pleasant Street with fewer homes may work out better for all involved, eliminating the Gristmill Road problems.

Mr. Grenier agreed he could do a quick layout for everyone's knowledge of what would be available.

Mr. Hassinger asked Mr. Grenier if he had received the Fire Department comments regarding their requirements. Mr. Grenier stated no and was given a copy.

Lee Kaufman of 96 Pleasant Street asked if the traffic study included a Fire Department requirement review. Mr. Kaufman was told yes.

MOTION by Mr. Scully, **SECOND** by Mr. Hassinger, to continue the Planning Board meeting past 10:00 p.m. **MOTION** carried 4 to 1 with Mr. Hanna voting nay.

Mr. Grenier pointed out that the Conventional Plan has serious cuts with the point of maximum cuts jumps up dramatically to approximately thirty feet, along with work within the 100 foot wetland buffer for lot construction. Mr. Grenier noted that the Flexible plan requests only 2 waivers, the total roadway is about 300 feet shorter, and significantly reduces the amount of cuts and overall impact on the site.

Mr. Hassinger reminded Mr. Grenier that the Conventional plan has to be able to be developed in order to be considered by the Board.

Mr. Grenier wondered if the Board would be willing to trade off the waiver approval for lowering the slope cuts to less than 30 feet.

Joseph Mitchell of 25 Barbara Jean Street informed the Board that there are wetlands at the top of the slope and in the spring after heavy rains, the water spreads out over the area, but eventually soaks in. Mr. Mitchell added that if there are heavy cuts as stated for the project, the water will be flowing down the hill to abutters homes.

James Holland of 6 Gristmill Road stated the wetland area at the top of the slope is actually a spring fed vernal pool.

Lee Kaufman of 96 Pleasant Street added that there is natural water running all the time, and he has concerns that his property, which has a septic system & leech field in the front, will be affected by this runoff headed down the hill to the recharge basin next to his property. Mr. Grenier stated this property has an easement for drainage, that the surface water will get captured into the basin and will recharge into the ground. Mr. Kaufman noted that there is an old existing brick wall with a large growth of trees which acts as a sound buffer to his property, and would like to know if this area will be restored if disturbed.

Richard Berube of 9 Barbara Jean Street told the Board that his father was a contractor so he has some knowledge about drainage, adding that there is a whole strip of ledge across the hill and it should be left wooded for the animals. Mr. Berube also remarked that he has lived on Barbara Jean Street for 30 years and the traffic has grown 10 fold, with additional traffic problems still to be added from the shopping center being built on Route 146.

Mr. Hanna pointed out that a 40B project was applied for in 2006, but withdrawn in 2007, and asked what had happened with the project.

James Holland of 6 Gristmill Road stated that the developer couldn't make it work under 40B rules; the biggest problem being that he was paying double for the land and the owner would not reduce the price to meet the 40B standards.

Lee Kaufman of 96 Pleasant Street added the developer planned to build 10-unit garden apartments but the owner wanted double the market value for the property.

Beverly Berube of 9 Barbara Jean Street stated she was under the impression that the 40B project plan layout did not allow the emergency vehicles to make the turns at Gristmill Road.

Lee Kaufman of 96 Pleasant Street asked if the Conventional plan for 15 lots has to meet all criteria and approval in order to get the Flex plan approval.

Joseph Mitchell of 25 Barbara Jean Street expressed concerns for the dangerousness of the cuts being proposed since has a 1½ year old grandchild who spends time in the backyard.

Mr. Bishop added that the Board has required fencing in past projects if a safety hazard is present.

Mr. Grenier explained that the plan proposes tiered drops in 10-foot increments rather than a straight drop. Mr. Grenier defended the project as nicely planned and they will try to accommodate existing abutters.

Beverly Berube of 9 Barbara Jean Street asked about the ownership of the 2 parcels of land for the project. Mr. Grenier stated there were 2 separate parcels of land with common ownership.

Cheryl Holland of 6 Gristmill Road asked about delaying any slope or ledge cutting until the road issue is resolved, specifically to see if this project is appropriate for this location and the roadways involved. Chairman Robbins explained the Planning Board process to the abutters.

Mr. Grenier requested the Board continue the public hearing to the next Planning Board meeting to allow him time to address the issues discussed.

MOTION by Mr. Hanna, **SECOND** by Mr. Prisby, to grant the applicant's written request to continue the public hearing to Monday, January 27, 2014 at 7:30 p.m. **MOTION** carried unanimously 5 to 0.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Hassinger, **SECOND** by Mr. Prisby, to approve the open session minutes of December 9, 2013. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Prisby, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

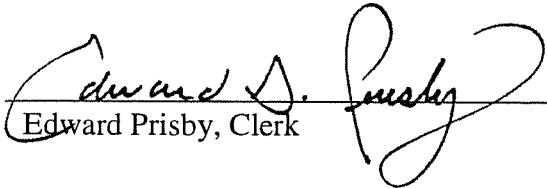
The meeting was adjourned at 10:45 p.m.

EXHIBITS

- **Item 5: Minutes of Previous Meeting**
 - Open Session Minutes for December 9, 2013; 11 pages.

- **Public Hearing 9A: Special Permit (SP 2013-7) GCCF New England, LLC c/o Cumberland Farms (Applicant) – Rojas Realty Trust (Owner) – 217 Worcester Street**
 - Memorandum from Philip Lombardo, Attorney for Cumberland Farms; Response to memorandum of Stephen Chitow; dated and received December 23, 2013; 5 pages.
 - Correspondence from Stephen Chitow; Proposed Cumberland Farms, 217 Worcester Street, North Grafton; dated December 24, 2013; received January 6, 2014 Planning Board meeting; 5 pages.
 - Correspondence from Linda Sheridan, 4 Amherst Street, North Grafton; Proposed Cumberland Farms 24-hour Store and Gas Station; dated January 3, 2014, received January 6, 2014; 1 page.
 - Correspondence from abutter (not named), dated January 3, 2014; received January 7, 2014.
 - Correspondence from Bohler Engineering; Cumberland Farms, 217 Worcester Street, Pylon Sign Height Waiver Request; dated and received January 9, 2014; 1 page. Included the following enclosure:
 - Plan Sheet; CFG13.0, Proposed Sign Drawing, Cumberland Farms, 217 Worcester Street, North Grafton; Prepared by Cumberland Farms, Inc.; not dated; 1 sheet.
- **Public Hearing 9B: Special Permit (MRSP 2013-10) Casa Builders & Developers Corp. (Applicant) – Maintanis Realty Trust and William J. & Mary J. Maintanis & Stephen Wilson (Owners) – Residential Development – 4 Gristmill Road & 102 Pleasant Street**
 - Correspondence from Thomas Gwozdowski, Special Permit (MRSP 2013-9); dated and received January 6, 2014; 1 page.
 - Memorandum from the Grafton Fire Department; Minimum Requirements for Gristmill Village; dated December 10, 2013, received December 11, 2013; 2 pages.
 - Email correspondence from Graves Engineering; Draft Traffic Report – Gristmill Village; received January 10, 2014; 2 pages.
- **Public Hearing 9C: Special Permit (SP 2013-10) John Gosselin, (Applicant / Owner) – Special Permit / Site Plan Approval – Sign Relief – 156 Main Street, South Grafton**
 - Hand drawn illustration or proposed sign; 8 ½” x 11”, black & white; submitted during the Applicant during the January 13, 2014 public hearing; 1 page.
 - Portion of site map showing new sign location; 8 ½” x 11”, black & white; submitted during the Applicant during the January 13, 2014 public hearing; 1 page.
- **Public Hearing 9D: SP 2013-11 First Westborough Realty Trust, Michael & Brian Marino Trustees (Applicants / Owners), Sign Relief, 72 Worcester Street – Dunkin’ Donuts, Grafton**
 - Application for Special Permit SP 2013-11, dated November 25, 2013, received December 2, 2013; 1 page.

- Correspondence from Keenan and Trudell, Attorneys at Law; Dunkin' Donuts Site Development Plan, 72 Worcester Street, Grafton, Massachusetts, Special Permit Filing – Signage; dated and received December 2, 2013; 4 pages.
- Plan Set, Dunkin' Donuts, 72 Worcester Street, Grafton Massachusetts; prepared by Aharonian & Associates, Inc.; 11" x 17" color; 24" x 36" black & white; dated November 6, 2013; includes the following sheets:
 - o Original Main Building Elevations
 - o New Proposed Main Building Elevations
 - o Comparison Building Elevations
 - o Annex Building Elevations
 - o Site & Building Sign Details
- **Public Hearing 9E: Major Residential Special Permit (MRSP 2013-2) "Grafton Hill - Westerly Side Grafton LLC (Applicant) – Westerly Side Grafton LLC, Rocky Road Realty Trust, Robert B. McInnis & Abby McInnis Trust (Owners)**
 - Email correspondence from Attorney Joseph Antonellis, request for continuance of public hearing; received January 13, 2014; 1 page.


Edward Prisby, Clerk

